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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,115	12/06/2000	M. Scott Reichardt	UV-174	9203

7590 03/01/2007
Richard M. Feustel, Jr.
FISH & NEAVE
1251 Avenue of the Americas
New York, NY 10020-1104

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/731,115

Applicant(s)

REICHARDT ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION..

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,18-29,31-36,46-57,59-64 and 74-84 is/are pending in the application.
- 4a) Of the above claim(s) 25-28,53-56 and 81-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,18-24,29,31-36,46-52,57,59-64 and 74-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/17/2006 with respect to amended claims 1,3-8, 18-24, 29, 31-36, 46-52, 57, 59-64, 74-80 have been fully considered but they are not persuasive.

Applicant argues regarding claims 1, 3-8, 29, 31-36, 57, 59-64 as amended, that Alexander does not disclose videos show passive program guide or barker channels, as amended in independent claims 1, 29, and 57. In addition, Alexander's PIP window does not replace a first display containing both "a branded selectable option having a product brand logo... and interactive content," as also recited by independent claims 1, 29, and 57 (page 18, paragraphs 2-3).

In response, this argument is respectfully traversed. Amended claims 1, 29, and 57, neither recite "video show passive program guide or barker channels" nor "PIP window replace a first display containing both a branded selectable option having product brand logo... and interactive content". The Examiner did not interpreted the first display is the PIP window only, but instead, the Examiner interpreted the "first interactive application display" is the display screen within interactive icon/window including PIP window before the particular program/icon is selected/highlighted (see the Office Action page 4, page 8, paragraph 2).

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In addition, independent claims 1, 29, and 57 recites "...providing access to a passive program guide or barker channel" and "...of the passive program guide or barker channel", and "providing, in a second display replacing the first display".

Alexander discloses when the user highlights a program associated with a channel on the program guide, the video/video clip of the highlighted channel is displayed on the portion of the display screen (e.g. PIP window, or ad window) – see include, but is not limited to, figures 1-7, 8-10, col. 3, lines 56-62, col. 4, lines 15-43, col. 13, lines 61-63, col. 17, lines 40-67, col. 19, lines 15-45, col. 20, lines 1-28, col. 26, lines 4-18). Thus, the feature of "providing access to a passive program guide or barker channel" is interpreted as providing access to barker channel (e.g. channel that provides video or video clip or information of the selected television program). Alexander further discloses when the user selects a program title on the Grid Guide or highlights the ad window, additional information and/or real time video or video clip of the selected/highlighted television program is displayed on the display screen (see include, but is not limited to, figures 1-7, 8-10, col. 3, lines 56-62, col. 4, lines 15-43, col. 13, lines 61-63, col. 17, lines 40-67, col. 19, lines 15-45, col. 20, lines 1-28, col. 26, lines 4-18). Thus, the claims "first interactive application display" is interpreted as the display screen with interactive icons/windows before a particular television program or particular icon/window is highlighted/selected, and "a second display replacing the first display" is interpreted as the television display (display screen with additional information or content of the selected television program), after the user selected/highlighted particular icon/television program title replaces the display screen (display screen without

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information of the selected title/icon), before the particular title/icon is highlighted/selected.

Applicant further argues the Applicant's invention patentably improves upon Alexander by "providing an interactive display on the user equipment in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming" (page 19, paragraph 2).

In response, this argument is respectfully traversed. Independent claims 18, 46, and 74, as amended, recite the limitation "providing branded passive programming with an advertisement associated with a brand inserted into the passive programming to the user equipment". Alexander discloses the advertisement is selected based on particular television being viewed/selected (see include, but is not limited to, col. 33, lines 26-50, col. 34, line 55-col. 35, line 13). Alexander also discloses...by tuning the television automatically to a particular advertising channel at the time during the telecast of the television program during which an advertisement is scheduled to occur, and by then tuning the television back to the viewer's chosen television program at the conclusion of the advertisement (see include, but is not limited to, col. 32, line 61-col. 33, line 8).

Thus, the limitation of "providing branded passive programming with an advertisement associated with a brand inserted into the passive programming to the user equipment" is interpreted as providing the program (e.g. user chosen television program) with an advertisement associated with the channel/provider, etc. of chosen program and

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inserted the advertisement to display during the telecast of the chosen television program to the user television device.

For reasons give above, rejections on claims 1, 3-8, 18-24, 29, 31-36, 46-52, 57, 59-64, 74-80 are analyzed as discussed below.

Claims 25-28, 53-56, 81-84 have been withdrawn.

Claims 2, 9-17, 30, 37-45, 58, 65-73 have been canceled.

Claim Objections

2. Claims 1, 3-8, 29, 31-36 are objected to because of the following informalities:

In claims 1 and 29, the limitation “the first display” and “the interactive application display” in lines 8-9, 11-12 of claim 1 and lines 9, 11-12 of claim 29, should be replaced as – **the first interactive application display—**

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-8, 18-24, 29, 31-36, 46-52, 57, 59-64, 74-80 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (US 6,177,931).

Regarding claim 1, Alexander teaches a method for providing access to a passive program guide or barker channel (providing access to backer channel such as television program, video clip, or other information associated with particular channel displayed on particular portion of the display screen) and interactive content (e.g. icon/advertisement/detail information) from an interactive application (interactive program guide on screen 10 – figures 1, 5, 9), comprising:

providing a branded selectable option having a product brand logo graphic of a provider of the passive program guide or barker channel and interactive content (providing an EPG screen with selectable interactive ads windows 14,16, Grid guide 22, PIP window, etc. with interactive icons having logo graphic of a provider e.g., FOX, CBS, etc. of the barker channel (e.g. news program/ad, television program, video clip, etc. of the associated channel) and interactive content (e.g., web address, ad information, detail information, etc.– see including, but are note limited to, figures 1-7, 8-10, col. 3, lines 56-62, col. 4, lines 15-43, col. 13, lines 50-63, col. 17, lines 40-67, col. 19, lines 15-45, col. 20, lines 1-28, col. 24, lines 45-55, col. 26, lines 4-18) within an

interactive application display (within interactive program guide before the ad/icon/provider is selected/highlighted- figure 1);

providing, in a second display replacing the first display (interpreted as the display after the new icon/ad/provider, etc. is selected/highlighted that replacing previous display – figures 1-7, 8-10, col. 3, lines 56-62, col. 4, lines 15-43, col. 13, lines 61-67, col. 14, line 48-col. 15, line 31, col. 17, lines 40-67, col. 18, lines 13-67, col. 19, lines 15-45, col. 20, lines 1-28, col. 26, lines 4-18), the passive program guide or barker channel and interactive content from the provider in response to a user selecting the option from the interactive application display is met by providing television program, video clip, or information associated with a particular channel (e.g. selected channel) and interactive content such as icon of detail information, icon of provider, web address, etc., that is associated with the selected/highlighted icon/ad/provider, from the provider such as advertiser, CBS provider, FOX provider, etc. in response to a viewer selecting/highlighting an icon/ad window from the interactive program guide (see include, but are not limited to, col. 3, lines 56-62, col. 4, lines 13-61; col. 5, lines 5-14; col. 8, lines 4-17, lines 45-64; col. 10, lines 43-51, col. 13, lines 46-67; col. 14, line 47-col. 15, line 31; col. 17, lines 40-67, col. 18, line 15-col. 19, line 45, col. 20, lines 1-28, col. 26, lines 4-18);

“providing additional information on the interactive content in response to the user selecting the interactive content” is met by providing detail information in response to user selection of the ad/provider/channel/title icon or providing additional detail

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information in response to user selection of the detail icon (see include, but are not limited to, figure 5, 9-10b, col. 17, lines 45-65).

Regarding claim 3, the additional claimed featured for the interactive content comprises an alert icon is met by the interactive icons on the interactive program guide (figure 1) or icon of the on screen notifications (col. 15, lines 5-22);

the additional claimed feature of providing additional information on the interactive content comprises providing a merchandising opportunity to the user in response to the user selecting of the alert icon is met by providing additional information of the interactive content comprises detail information of the television program or merchandise such as detailed textual description of the program, information about actors and actresses, information about production of the program, production related information, etc. in response to user selecting of the interactive icon (col. 14, line 50-col. 15, line 22; col. 15, lines 47-50; col. 17, line 50-col. 18, line 67, figures 1, 5,6).

Regarding claim 4, the additional claimed feature of the alert icon is overlaid onto the passive program guide or barker channel is met by the interactive program guide or the on screen notification icon is overlaid onto full screen television program (col. 3, lines 55-61; col. 7, lines 20-30; col. 15, lines 4-20).

Regarding claim 5, the additional feature of the interactive content comprises a television program listing is met by television interactive program guide (figure 1, col. 7,

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lines 19-30) or a title/channel of program that may be of interest to viewer provided as on screen notification (col. 14, lines 48-67);

the further claimed feature of providing additional information on the interactive content comprises providing additional information for the television program listing in response to the user selecting the television program listing is met by providing the entire title and detail description/additional detail description of the program in response to user selecting a particular icon/detail information on the interactive television guide (figure 1 and col. 15, lines 52-64, col. 17, line 45-col. 18, line 67).

Regarding claim 6, the additional claimed feature of the interactive program application is an interactive television guide is met by interactive program guide on screen (10 – figure 1); and the further claimed feature of the branded selectable option is a branded selection menu option of the interactive television guide is met by interactive grid guide and/or interactive ads windows and/or icon/provider on the interactive program guide (figures 1, 5).

Regarding claim 7, Alexander discloses data in the interactive program guide can be downloaded from Internet and displayed on the screen (col. 8, lines 36-64; col. 18, lines 1-67). Inherently, the interactive application is a web browser for displaying the downloaded data.

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Regarding claim 8, the further claimed feature of providing the passive program guide or barker channel comprises tuning equipment associated with the user to a television channel is met by providing the television program/on screen notification, additional information, etc. comprises tuner associated with the viewer to a television channel (col. 7, lines 10-18; col. 30, line 60-col. 31, line 8).

Regarding claim 18, Alexander discloses a method for providing advertisements within an interactive application implemented at least in part on user equipment (figure 1) comprising:

providing branded passive programming associated with an advertisement with a brand inserted into the passive programming to the user equipment (e.g., providing television programming associated with an advertisement with provider/source/ network such as CBS, advertiser, FOX, etc. inserted during the telecast of chosen television program to the viewer equipment – see include, but is not limited to, figure 5, col. 6, line 65-col. 7, line 18, col. 32, line 61-col. 33, line 8, col. 33, lines 26-50, col. 34, line 55-col. 35, line 13);

displaying on the user equipment an alert icon overlaid on the currently displayed branded passive programming that indicates availability of additional information associated with the currently displayed branded passive programming (e.g. displaying on the user display screen an on screen notification/icon/title/channel, etc. overlaid the program being viewed that indicates any number of possible items of information associated with the program being viewed, or indicates the availability of additional

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information by displaying an detail information icon – figure 1, 3, 6,8 –10b; col. 7, lines 19-30; col. 14, line 48-col. 15, line 31; col. 17, col. 17, line 40-col. 18, line 67);

providing a user associated with the user equipment with an opportunity to select the alert icon to indicate a desire to access additional information associated with the branded passive programming (providing a viewer associated with the user television equipment with an opportunity to select the on screen notification/icon/channel, title, detail icon, or any icon on the screen display using remote control device and user interface to indicate a desire to access additional information associated with the program – col. 17, lines 48-67, col. 18, lines 33-67);

providing an interactive display on the user equipment in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming (e.g. providing an interactive display such as another interactive program guide display that comprises selected/highlighted icon, or web site, or advertisements in response to user selection/highlight of an icon, a program, an ad, etc. wherein the new display screen comprises a new advertisement (i.e. video clip, detail description, website, chat room, etc) associated with the brand of program currently displayed – see including, but are not limited to, col. 17, lines 48-67; col. 18, line 33-col. 19, line 45; col. 19, line 62-col. 20, line 12, col. 26, line 57-col. 27, line 2; col. 34, line 10-col. 35, line 18).

Regarding claim 19, the further claimed feature of the passive programming is a television program, a commercial, a pay per view program, or a passive video product

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segment is met by a television program displayed on PIP window or advertisement displayed in ads windows 14, 16 – figure 1).

Regarding claim 20, the further claimed feature of retrieving the advertisement is met by retrieving advertisement in ad window, or on screen notification, or retrieving additional information of a program (see include, but are not limited to, col. 17, line 50-col. 18, line 67).

Regarding claim 21, the further claimed feature of retrieving an advertisement according to a schedule is met by retrieving on screen notification a certain amount of time before the program begin or retrieving particular advertisement according to particular program displayed on the screen (col. 25, line 50-col. 26, line 60; col. 33, lines 26-65).

Regarding claim 22, the further claimed feature of retrieving an advertisement according to a real time flag is met by retrieving among other things, additional information about the particular event involving the astronauts according to an event involving astronauts described by news broadcaster while watching the news program (col. 18, lines 54-67).

Regarding claim 23, the additional claimed limitations correspond to the additional limitations as claimed in claims 7, and are analyzed as discussed with respect to the rejection of claim 7.

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Regarding claim 24, Alexander further discloses the interactive application is an interactive television program guide (interactive program guide – figure 1); and providing the advertisement in the interactive application display comprises providing the advertisement as a panel advertisement (Ad windows or Grid guide) in the interactive television program guide (interactive program guide) – figure 1.

Regarding claims 29, 31-36, 46-52, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1, 3-8, 18-24, and are analyzed as discussed with respect to the rejection of claims 1,3-8, 18-24.

Regarding claims 57, 59-64, 74-80, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1,3-8, 18-24, and are analyzed as discussed with respect to the rejection of claims 1, 3-8, 18-24.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruck et al. (US 7,143,428 B1) discloses concurrent viewing of a video programming and of text communication concerning the video programming.

Knowles et al. (US 6,505,348 B1) discloses multiple interactive electronic program guide system and methods.

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Jerding et al. (US 7,010,801 B1) discloses video on demand system with parameter-controlled bandwidth deallocation.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

February 21, 2007



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600